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OFFICE OF PETITIONS

In re Patent No. 7,106,479
Issued: September 12, 2006
Application No. 09/975,027
Filed: October 10, 2001
Patentee: Stephen C. Roy

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NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 22, 2006. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

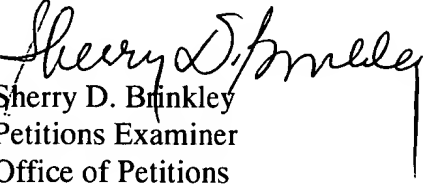
This application no longer qualifies for small entity status. Accordingly, all future fees must be paid at the large entity rate.

It is noted that a Revocation of Power of Attorney and Change of Correspondence Address (Power) was filed on March 8, 2006. However, since no attorney registered to practice before the U.S. Patent and Trademark Office was appointed by the Power, it is being treated as a request to change the correspondence address. The correspondence address has been so changed.

Petitioner should also note that the mere filing of a power of attorney and/or a change of correspondence address will not affect the fee address. Therefore, if petitioner desires to receive future correspondence regarding any Maintenance Fee Reminder which may be mailed regarding maintenance fees for the above-identified patent, the "fee address" and/or "customer number" forms should be submitted.

A copy of this decision is being mailed to the new correspondence address of record.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3201.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: AARON R. PETTIT, ESQ.
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